

U.S. FEDERAL DIST. COURT OF APPEAL
STATE OF ILLINOIS
NORTHERN 7TH CIRCUIT

ENRICO LEVY #A93734

FILEDMAR 24 2008 *aw*

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MAR 24 2008

CASE NUMBER: 08-cv-57308cv573

STATE OF ILLINOIS, DEPT. OF
CORRECTION, LAWRENCE
WARDEN LEE RYKER AND PINCKNEYVILLE
WARDEN EVANS
RESPONDENTS

NOTICE OF FILING

To: LISA MADIGAN
ILLINOIS ATTORNEY GENERAL
500 S. 2nd, St.
SPRINGFIELD, ILL, 6276b

You are hereby notified that on 3-08-2008, I have caused
the attached documents to be sent to the above-named party(ies).

By: U.S. MAILCERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached documents
have been served on the above-named party(ies). The same being sent via the
United States Mail, with proper postage having been paid at the ~~PENNSAHLIE~~
Correctional Center on 3-08-2008. ~~LAWRENCE~~

SUBSCRIBED AND SWORN TO BEFORE ME

TELS 20 DAY OF MARCH 2007

NOTARY PUBLIC

OFFICIAL SEAL
SHARON KAY RAGLAND
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 03-10-07

U.S. FEDERAL COURT OF APPEAL
NORTHERN, STATE OF ILLINOIS
7TH CIRCUIT

FILED

(A)

MAR 24 2008 aew

ENRICO LEVY #A93734

PETITIONER

N
STATE OF ILLINOIS, DEPT. OF
CORRECTION, PINKNEYVILLE
WARDEN, EVAN AND LAWRENCE
WADREW-LEE RYKER

Respondents

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CASE NO. 08-c-573

08cv 573

PLAINTIFF'S PRO SE.

LATE

MOTION FOR LEAVE TO APPEAL
AND ALLOW ORIGINAL PETITION
TO STAND AS BRIEF,

I, ENRICO LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MOVE WITH MOTION
AND PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

- (1) I AM NOT REPRESENTED BY AN ATTORNEY IN THIS CASE, HOWEVER THIS MOTION AND PETITION IS SUPPORTED WITH AFFIDAVIT AND DOCUMENTS.
- (2) I AM THE PETITIONER IN THE ABOVE CAPTIONED CASE.
- (3) I AM A PRISONER INCARCERATED (23) YEARS IN THE ILLINOIS DEPT. OF CORRECTION, AT THE PRESENT HERE AT LAWRENCE PRISON, SUMNER ILLINOIS.
- (4) PETITIONER PRAY THIS HONORABLE COURT GRANT MOTION REQUEST.

STATE OF ILLINOIS)
LAWRENCE) SS
COUNTY OF [REDACTED])

AFFIDAVIT

I, ENRICO LEVY #A9373Y being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

FEDERAL AND STATE LAW IN THE PAST HAS RECOGNIZE INCONSISTENCY
WITH PRISON LAW AND MAIL SERVICE ALONE WITH CONDITIONS TO INMATES,
SUCH AS DELAY, COPY MACHINE BREAKDOWN, AND PRISON LOCKDOWN,
TO MERE EXTEND OR DEGREE OF HAND TO HAND EXCHANGE HANDLING,
MISPLACE AND MANYTIMES OVER AND OVER LOSS OF INMATES LEGAL
DOCUMENTS, HOWEVER, THIS WHICH IS MY CASE IN POINT, WHEREFORE
COURTS RELUCTANTLY HAVE GRANTED INMATES WIDE LATITUDE IN (TIMELY)
CORRESPONDING, FILING DOCUMENTS AND LITIGATING.

MANY TIMES OVER I HAVE EXPERIENCE THESE ABOVE MENTION PROBLEMS
SUCH AS PERTAINING TO THIS CASE, WHEN SUCH DOES OCCUR, I
IMMEDIATELY FILE AN EMERGENCY - GRIEVANCE % WARDEN, TO NO AVAIL.

WHEREBY, I REQUEST WITH PRAYER THIS COURT GRANT REPRIEVE

Enrico Levy
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY _____, 20____

NOTARY PUBLIC

United States District Court
Northern District of Illinois
Eastern Division

ENRICO LEVY # A93734

JUDGMENT IN A CIVIL CASE

v.

Case Number: 08 C 573

STATE OF ILLINOIS DEPT. OF
CORRECTIONS

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed with prejudice.

Michael W. Dobbins, Clerk of Court

Date: 2/15/2008

/s/ Willia Harmon, Deputy Clerk

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	08 C 573	DATE	2/15/2008
CASE TITLE	Enrico Levy # A 93734 v. State of Illinois Dept. of Corrections		

DOCKET ENTRY TEXT:

The Plaintiff's motion for leave to file in forma pauperis is denied [3] pursuant to 28 U.S.C. § 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center.

[For further details see text below.]

Docketing to mail notices.

STATEMENT

The Plaintiff, Enrico Levy, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and seeks leave to proceed *in forma pauperis*. The motion must be denied because the plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). At least three of the plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. See, e.g., *Levy v. State of Illinois*, 96 C 4939, dismissed 1/21/97; *Levy v. State of Il.*, 96 C 4705, dismissed 3/10/97, and *Levy v. State of Il.*, 96 C 7799, dismissed on 4/22/97. In fact, the court previously advised the plaintiff that he had "struck out." See Order in 06 C 4449, on 8/28/06. Notwithstanding his knowledge that he is barred from doing so, the plaintiff has nevertheless sought leave to proceed *in forma pauperis*, and without disclosing his 1915(g) status to the court. Consequently, the plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857 (7th Cir. 1999). The complaint is accordingly dismissed with prejudice, as nothing in the complaint supports an allegation of imminent danger of serious physical injury.

However, having brought this action, the plaintiff remains obligated to pay the full \$350 filing fee. See 28 U.S.C. § 1915(b)(1). Before pursuing any future litigation, the plaintiff must pay any outstanding fees.

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U. S. FEDERAL COURT OF APPEAL
 NORTHERN, STATE OF ILLINOIS
 7TH CIRCUIT

ENRICO LEVY #A93734
 PETITIONER

- VS -

STATE OF ILL, DEPT. OF
 CORRECTION PINCKNEYVILLE
 WARDEN EVANS, AND
 LAWRENCE WARDEN LEE RYKER

Respondent's

DOCKET NUMBER _____

APPEAL FROM

CIRCUIT NO. 7TH

TRAIL JUDGE SUZANNE B. CANTON

DATE OF NOTICE OF APPEAL

DATE OF JUDGMENT 2-15-2008

DATE OF POST JUDGMENT

ORDER OF DISMISSING 42 § 1983 CIVIL

NATURE: PERSONAL INJURY

DOCKET STATEMENT
 CIVIL

1. NOTICE FOR LEAVE TO FILE APPEAL HAS BEEN SERVED

2. NO COUNSEL HAS BEEN APPOINTED

3. THIS APPEAL CAN BE ACCELERATED

U. S. FEDERAL COURT OF APPEAL
NORTHERN STATE OF ILLINOIS
7TH. CIRCUIT

ENRICA LEVY #A93734

PETITIONER

- NS -

STATE OF ILL. DEPT. OF
CORRECTION, PINCKNEYVILLE
WARDEN EVANS, AND LAWRENCE
WARDEN LEE RYKER

RESPONDENT'S

APPEAL OF INTENT

FROM THE

U.S. FEDERAL DIST. COURT OF ILL.

CASE NO. 08-c-573

JUDGE SUZANNE B. CONNOLY

PETITION FOR LEAVE TO APPEAL

FEDERAL RULE

ENRICA LEVY #A93734
FROM PINCKNEYVILLE PRISON
FACILITY TO LAWRENCE
RT. 2 Box 31
SUMNER, ILL. 62466

ORAL ARGUMENT

BRIEF

APPENDIX (A)

ORIGINAL AND AMENDED COMPLAINT

Plaintiff's complaint No 3

SUPPLEMENTAL

STATE OF ILLINOIS)
) SS :
COUNTY OF LAWRENCE)

SWORN AFFIDAVIT

I, Enrico Levy #A93734, After Being Duly Sworn Upon My Oath Depose And States That the Following Matters Are Both true And Correct In Substance And In Facts :

HERE AT LAWRENCE PRISON, INMATES, INCLUDING MYSELF ARE TOSSED INTO A TWO MEN CELL, DESPITE AGGRESSION TOWARD EACH OTHER AND COMPLAINTS TO THE WARDENS AND THEIR SECURITY STAFF TO BE MOVE TO ANOTHER CELL OF PEACE, IRONICALLY, FALLS ON DEATH ROW. INMATES CAN FIGHT TO DEATH, HERE IN SEGREGATION.

ON 3-13-2008, OVER AND OVER, I COMPLAINED TO BE MOVE TO ANOTHER CELL DUE TO AGGRESSION, SADLY, I WAS TAKEN AND STRIPPED OF LIFE NECESSITY ITEMS, THEN PLACED INTO A CELL WITH A CONCRETE BLOCK BEDDED THERE AND PRESENT, I BEEN DENIED OF ALL FOOD DAILY, AND STILL CONTINUE AS OF THIS COMPLAINT, HERE IN SEGREGATION.

FURTHERMORE, AT THE BEGINNING OF THIS DURATION, APPROXIMATELY 2-14-2008, ON THIS CONCRETE FLOOR BLOCKBED, I SEVERELY INJURED MY BACK AND NECK, WITH PAIN CONTINUALLY. I REPEATEDLY REQUEST TO SEE THE DOCTOR, TO NO AVAIL.

54 YEARS AGE, 23 YEARS INCARCERATED

So Stated :

Enrico Levy #A93734

SUBSCRIBED AND SWORN TO BEFORE
ME THIS _____ DAY OF _____ 20 _____
Notary : _____

SEGREGATION (L) # L 2

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

AL9

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 2/24/2008 10:22 AM

Living Unit: LAW-S-BL-15

Orientation Status: N/A

Incident Number: 200800498/1 - LAW

Status: Final

Date	Ticket #	Incident Officer	Location	Time
2/14/2008	200800498/1-LAW	HABING, BENJAMIN G	DIETARY	10:03 AM

Offense	Violation	Final Result
206	Intimidation Or Threats	Guilty
304	Insolence	Guilty
307	Unauthorized Movement	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
No Witness Requested			

RECORD OF PROCEEDINGS

Inmate refused to appear for his hearing.

BASIS FOR DECISION

Based on IDR by reporting employee that inmate Levy was observed walking around in dietary during chow lines when he should have been seated at his assigned table. Based on inmate Levy's statement to the officer, "I need to get out of this institution before I get the death penalty." Based on inmate's refusal to appear for his hearing. Based on the incident being witnessed by Lt. Duncan. Inmate identified by state ID. Due to the nature of the offense the adjustment committee recommends the following.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED	FINAL
1 Months C Grade	1 Months C Grade
1 Months Segregation	1 Months Segregation
Basis for Discipline:Nature of offense	

Signatures**Hearing Committee**

KUNTZ, ROBERT F - Chair Person

Signature

02/24/08

WHI

COOPER, ELDON L

Signature

02/24/08

BLK

Recommended Action Approved

Signature

Date

Final Comments: N/A

DERWIN L RYKER / DLR 2/25/2008

Signature

02/25/08

Chief Administrative Officer

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504; Subpart F.

Employee Serving Copy to Committed Person

When Served -- Date and Time

2-27-08 IPZ

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

A L 9

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 2/24/2008 10:22 AM

Living Unit: LAW-S-BL-15

Orientation Status: N/A

Incident Number: 200800499/1 - LAW

Status: Final

Date	Ticket #	Incident Officer	Location	Time
2/14/2008	200800499/1-LAW	FREEMAN J, JAMES E	SEGREGATION	10:50 AM
Offense	Violation			Final Result
206	Intimidation Or Threats			Guilty
Witness Type	Witness ID	Witness Name		Witness Status

No Witness Requested

RECORD OF PROCEEDINGS

Inmate refused to appear for the hearing.

BASIS FOR DECISION

Based on IDR by reporting employee that inmate Levy stated to the food sergeant, "You can give C/O Habing a message. He is a dead bitch when I get out of here. You can tell that director C/O Habing is a dead bitch." Based on inmate's refusal to appear for his hearing. Inmate identified by state ID. Due to the nature of the offense the adjustment committee recommends the following.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED	FINAL
2 Months C Grade	2 Months C Grade
2 Months Segregation	2 Months Segregation
Basis for Discipline:Nature of offense	

Signatures

Hearing Committee

KUNTZ, ROBERT F - Chair Person

Signature 02/24/08 WHI

COOPER, ELDON L

Signature 02/24/08 Race

Recommended Action Approved

Signature 02/24/08 BLK

Final Comments: N/A

DERWIN L RYKER / DLR 2/25/2008

02/25/08

Chief Administrative Officer

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

Employee Serving Copy to Committed Person

2-22-08 12:00

When Served -- Date and Time

Date: 2-14-2008

Type of Report:	<input checked="" type="checkbox"/> Disciplinary <input type="checkbox"/> Investigative
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Lawrence
Facility

Offender Name: Levy ID #: A93734

Observation Date: 2-14-2008 Approximate Time: 10:03 a.m. Location: 160th Dining Room

Offense(s): DR 504: 304 Intimidation or Threats, 309 Insistence, 307 Unauthorized Movement,

Observation: (NOTE: Each offense identified above must be substantiated.) 303 Unauthorized Property, 403 Disobeying a Direct Order
 On the above date and approx. time, this Pg observed Tha Levy A93734 was at 160th dining room around in the dining room, when he should have been sitting at his seat eating his lunch. This Pg walked over to the Levy's table and observed Tha Levy looking at some papers. This Pg gave Tha Levy 3 direct orders to give the papers to him. Tha Levy disobeyed all 3 orders. Tha Levy replied "I need to get a WAC off the classification before I get the death penalty." Dietary Zone Lt. Duncan testified. Tha Levy was walked to woc. Tha Levy filed by State ID 1000300 completed.

Witness(es): Lt Duncan

 Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

Sgt. B. Hobing Reporting Employee (Print Name)	17999 Badge #	R. Hobing Signature	2/14/2008 Date	11:01 Time
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Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons: Major InfractionPrinted Name and Badge #: Hobing 17999 Shift Supervisor's Signature: R. Hobing Date: 2-14-08Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment: No Confinement / Continue ADP Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee Minor Infraction, submitted to Program UnitPrint Reviewing Officer's Name and Badge #: Maj. Hobing 17999 Reviewing Officer's Signature: R. Hobing Date: 2/14/08 Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge #: Hearing Investigator's Signature: Date:

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

 Check if offender refused to sign

Serving Employee (Print Name)	Offender's Signature	5804	ID#
	Badge #	915	Signature

Date Served: 2-21-08 Time Served: 11:15 I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature: _____ ID# _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report: _____ Print offender's name: _____ ID# _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness: _____ Witness badge or ID#: _____ Assigned Cell (if applicable): _____ Title (if applicable): _____

Witness can testify to: _____

Print Name of witness: _____ Witness badge or ID#: _____ Assigned Cell (if applicable): _____ Title (if applicable): _____

Witness can testify to: _____

ILLINOIS DEPARTMENT OF CORRECTIONS
Shakedown Record/Confiscated Contraband

EXHIBIT NO.	_____
CLIC NO.	_____

Date: <u>11/14/08</u> Time: <u>10:43</u> a.m. Room/Bldg. Area: <u>Pietrav</u>	Shift Supervisor: _____ Date Received: <u>11/14/08</u> Time: <u>10:43</u> a.m. <input type="checkbox"/> p.m. <input type="checkbox"/> Major Contraband <input type="checkbox"/> Minor Contraband Signature _____
Living Area: <u>Cell 14</u> Occupied: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Disposition: _____ Initials: <u>200</u>
Violator: <u>Loy</u> No. <u>101734</u>	Date: <u>11/14/08</u> Time: <u>10:43</u> a.m. <input type="checkbox"/> p.m. Initials: <u>200</u>
Violator: <u>Loy</u> No. <u>101734</u>	Receiving Custodian: Date Received: _____ Time: _____ <input type="checkbox"/> Major Contraband <input type="checkbox"/> Minor Contraband Custodian Signature _____
Was any contraband found? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	From: _____ To: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Item(s) (Description and circumstances of discovery): <u>A piece of paper</u> <u>String from the toilet</u> <u>in tie dyed as a blue line</u>	From: _____ To: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Witness: <u>Let Duran</u>	From: _____ To: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Disciplinary Report written: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	From: _____ To: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Incident Report written: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	From: _____ Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Employee Signature: <u>Habib</u> _____ Date: <u>11/14/08</u> Time: <u>10:43</u> a.m.	Final Disposition: _____ Custodian's Initials: _____
Badge No. _____ Date _____	

Distribution: With Item (Tag); Supervisor; Employee; Disciplinary Report; Violator

AMEND SUPPLEMENTAL
No. 2

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON 2-14-2008, IN THE CHOW HALL, I WAS HANDCUFF AND ESCRTED TO MENTAL SOCIAL WORKER, INTERVIEWED, AND TAKEN TO SEGREGATION. THERE, I WAS STRIPPED BARE NUDE, AND PLACED IN A CONCRETE FLOOR BED CELL FOR (6) DAYS. THEN TO A SINGLE MAN CELL FOR (7) DAYS, THEN REMOVED TO THE HIGH BED BUNK, TWO MEN CELL, HERE IN SEGREGATION.

ON 2-14-2008, OVER AND OVER, AFTER REPEATELY REQUESTS, THERE, I WAS DEPRIVED AND DENIED TOILET PAPER, SOAP, TOOTHBRUSH, TOOTHPASTE, TOWEL, INK PEN, PAPER, GRIEVANCE, DENTIST, DOCTOR OR ANYTHING ELSE, CONTINELY TOTALLY IGNORED, FEED ONLY, FOR (6) DAYS.

DURING THIS DURATION, I SUBSTAINED SEVERE INJURY TO BACK AND NECK ON THIS (6) IN RAZE CONCRETE BLACK FLOOR BED.

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

Sear (A) #L9

Date: 2-27-2008	Offender: (Please Print)	ENRICO LAVY	ID#: A93734
Present Facility: LAWRENCE		Facility where grievance issue occurred: LAWRENCE	
NATURE OF GRIEVANCE:			
<input type="checkbox"/> Personal Property <input type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability <input checked="" type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input checked="" type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Other (Specify): _____ <input type="checkbox"/> Disciplinary Report: / / Date of Report _____ Facility where issued _____			
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.			
Brief Summary of Grievance: ON 2-14-2008, IN THE CHOW HALL, I WAS HANDUFF AND ESCORTED TO MENTAL SOCIAL WORKER AND THEN TAKEN TO SEGREGATION. THERE, I WAS STRIPPED BARE NUDE, AND PLACED IN A CONCRETE FLOOR BED CELL FOR (6) DAYS. THEN TO A SINGLE MAN CELL FOR (7) DAYS, THEN REMOVED TO THE HIGH BED BUNK, THE MEN CELL, ON 2-14-2008. AFTER REPEATEDLY REQUESTS, THERE, I WAS DEPRIVED AND DENIED TOILET PAPER, SOAP, TEETHBRUSH, TEETH PASTE, TOWEL, INK PEN, PAPER, GRIEVANCE, DENTIST, DOCTOR OR ANYTHING ELSE. I TOTALLY IGNORED. ONLY FOOD - FOR (6) DAYS. DURING THIS DURATION, I SUSTAINED SEVERE INJURY TO BACK AND NECK ON THIS (6) IN RAZZ CONCRETE Block Floor Bed.			
Relief Requested: THAT I BE MOVED IMMEDIATELY TO A CELL ALONE, AND ALSO THAT I SEE A DENTIST AND DOCTOR FOR SEVERE BODY PAIN AND TEETH PAIN			
<input checked="" type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.			
<u>Enrico Lavy</u> <small>Offender's Signature</small>		A93734	2-27-2008 <small>Date</small>
(Continued on reverse side if necessary)			
Counselor's Response (If applicable)			
Date Received: / /		<input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277	
Response:			
Print Counselor's Name		Counselor's Signature	Date of Response / /
EMERGENCY REVIEW			
Date Received: / /		Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.	
Chief Administrative Officer's Signature		/ / Date	

MEMORANDUM

DATE

3/3/08

TO:

Lerry A 93734

Seg AL 9

FROM: Pamela Moran, CCII

Grievance Officer

Lawrence Correctional Center

SUBJECT: Grievance(s) / Inmate Correspondence

The attached is being returned for the reason(s) listed below:

- Contact your Correctional Counselor. Per D.R 504 Grievances, "A committed person shall first attempt to resolve incidents, problems or complaints, other than complaints concerning disciplinary proceedings, through his counselor."
- Use proper Committed Person's Grievance Report Form (DOC 0046).
- Provide date(s) of disciplinary report(s) and facility where incident(s) occurred.
- Forward grievance directly to the Administrative Review Board. (protective custody, enforced medication, disciplinary reports from other facilities, issues arising at another facility except personal property, decisions rendered by the Director, etc...).
- Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further.
- Unable to determine nature of grievance/correspondence. Submit additional specific information .
- Illegible copy submitted. Submit legible copy for consideration.
- Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.
- Issue has been previously addressed on a grievance. No justification for further consideration. Grievance Response was provided.
- Contact the Record Office with your request and/or additional information (sentence calculations, jail credits, etc.).
- Address concerns to Illinois Prisoner Review Board, 319 East Madison St. Suite A, Springfield, Illinois 62706 (executive clemency, parole violation issues, etc.). This issue is not within the jurisdiction of the facility or the ARB.
- Other: The Warden has determined the issue is not an emergency. Please follow the grievance process by submitting the grievance to your counselor, if it is still an issue.

Form # applied for:



Rod R. Blagojevich

Governor

Roger E. Walker Jr.

Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 526-0844

July 13, 2006

Enrico Levy
Register No. A93734
Pinckneyville Correctional Center

Dear Mr. Levy:

This is in response to your grievance received on June 8, 2006, regarding conditions (requests soap and body wash in seg), which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

The Grievance officer's report (4-56) and subsequent recommendation dated April 28, 2006 and approval by the Chief Administrative Officer on May 2, 2006 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:

Jackie Miller
Administrative Review Board
Office of Inmate Issues

CONCURRED:

Roger E. Walker Jr.
Director

cc: Warden Ken Bartley, Pinckneyville Correctional Center
Enrico Levy, Register No. A93734
Chron. File

ON FEB-22-2006, FOR SAFETY CONCERN, I REQUESTED TO BE SHIPPED, UNFORTUNATELY DENIED, UPON MY PERSONAL REQUEST, I REFUSE GENERAL POPULATION HOUSING FOR REASON OF SAFETY CONCERN WHICH RELATES-TO A PREVIOUS INCIDENT THAT INVOLVED THREE OTHER INMATES AND, MYSELF BEING SHOT AND SERIOUSLY WOUNDED BY A CORRECTIONAL OFFICER AT PONTIAC PRISON,

I WAS ESCORTED TO PRISON SEGREGATION, THE VERY NEXT DAY I'D RECEIVE A DISCIPLINARY TICKET FOR REFUSING HOUSING ASSIGNMENT, HOWEVER, I EXPLAIN THAT I HAVE BEEN APPROACHED BY AT LEAST FIFTEEN INMATES WHOM THREATEN TO DO HARM TO ME FOR TESTIFYING IN PONTIAC COURT AGAINST ANOTHER INMATE.

I ALSO INFORMED THE WARDEN, THE PRISON'S DIRECTOR, AND OFFICE OF INMATE ISSUES IN SPRINGFIELD, ILLINOIS. IRONICALLY, I HAVE EXACT COPIES OF MY LETTERS AND ALSO COPIES OF PROOF OF MAILINGS. MANY TIMES I PLEAD TO BE SHIPPED OUT OF THE FACILITY, UNFORTUNATELY ALL MY REQUESTS WAS IGNORED OVER AND OVER.

HOWEVER, CONFINED TO SEGREGATION FOR (18) MONTHS, SUBJECTED TO INHUMANE CONDITION AND TREATMENT, DEPRIVED OF BASIC HYGIENE ITEMS SUCH AS SOAP, TOOTHPASTE, TOOTHBRUSH, ETC. BEPRIVED FOR (18) MONTHS OF OUT OF CELL EXERCISE AND SEVERELY SUFFERED FEET AND BODY RASHES, EAR INFECTION, TEETH PAINS AND NEGLECT. SUFFERED ALSO FROM SEVERE DEPRESSION, ALTHOUGH PSYCHIATRIC WAS SOUGHT AND VISTED TO NO AVAIL. MEDICATION REQUEST WAS DENIED. FURTHERMORE, SADLY (6) MONTHS WAS REVOKED FROM MY APPROACHING RELEASE, THEREBY SETTING BACK MY DISCHARGE RELEASE DATE. PARALYSIS ALSO CONTINUES,

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

To Allow petitioner to Proceed AND PRESENT EVIDENCE,

Also Appoint counsel, And Also PRECURE UNIDENTIFIED WITNESSES

THAT I be Moved IMMEDIATELY TO A CELL ALONE, AND ALSO THAT

I SEE A DENTIST AND DOCTOR FOR SEVERE body AND TEETH PAINS

Also Appointment of ATTORNEY

VI. The plaintiff demands that the case be tried by a jury. YES NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 29 day of Feb, 2008

Enrico Levy

(Signature of plaintiff or plaintiffs)

Enrico Levy

(Print name)

A93734

(I.D. Number)

RT. R-2 Box 31

SUMNER, Illinois, 62466

(Address)

STATE OF ILLINOIS)
LAWRENCE) SS
COUNTY OF _____)

AFFIDAVIT

I, ENRICO LEVY #A93734 being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

FEDERAL AND STATE LAW IN THE PAST HAS RECOGNIZE INCONSISTENCY
WITH PRISON LAW AND MAIL SERVICE ALONE WITH CONDITIONS TO INMATES,
SUCH AS DELAY, COPY MACHINE BREAKDOWN, AND PRISON LOCKDOWN,
TO MERE EXTEND OR DEGREE OF HAND TO HAND EXCHANGE HANDLING,
MISPLACE AND MANYTIMES OVER AND OVER, LOSS OF INMATES LEGAL
DOCUMENTS, HOWEVER, THIS WHICH IS MY CASE IN POINT, WHEREFORE
COURTS RELUCTANTLY HAVE GRANTED INMATES WIDE LATITUDE IN (TIMEY)
CORRESPONDING, FILING DOCUMENTS AND LITIGATING.

MANY TIMES OVER I HAVE EXPERIENCE THESE ABOVE MENTION PROBLEMS
SUCH AS PERTAINING TO THIS CASE, WHEN SUCH DOES OCCUR, I
IMMEDIATELY FILE AN EMERGENCY GRIEVANCE % WRDEN, TO NO AVAIL.

WHEREBY, I REQUEST WITH PRAYER THIS COURT GRANT REPRIVE

Enrico Levy
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY _____, 20____

NOTARY PUBLIC